

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JAMES P. VICK

PLAINTIFF

v.

Civil No. 06-3067

C.E. "CHUCK" MEDFORD,
Sheriff, Carroll County, Arkansas;
LT. BETH REELY; SGT. ROB
McGEE; OFFICER MARK LOTT;
OFFICER MICHAEL BROWN;
OFFICER DEBBIE PRICE;
OFFICER DAVE HENDERSON;
OFFICER KEVIN DISHEROON;
DEPUTY JOHN RAINS; DEPUTY GREG
NOFSTGER; JIMMY KEELAND;
DARRELL "PETE" MOSS; CAPTAIN
TRUMBLE; RALPH GORDON;
JODY SUCHLAND; FORMER OFFICER
L. WINTERCORN; PORTIA HILL;
AMANDA LAKE; JASON HUNT;
ALAN HOOS; OFFICER LISA ADAMS;
and DEPUTY JOHN DENIZE

DEFENDANTS

ORDER

On March 14, 2007, defendant Kevin Disheroon filed a motion for judgment on the pleadings (Doc. 48). To assist plaintiff in responding to the motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the motion for judgment on the pleadings.

For this reason, James P. Vick is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **April 27, 2007**.

Plaintiff's failure to respond within the required period of time may subject this matter to

dismissal for failure to comply with a court order.

IT IS SO ORDERED this 27th day of March 2007.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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RESPONSE TO MOTION FOR JUDGMENT ON THE PLEADINGS

TO: JAMES P. VICK

These questions and answers will serve as your response to Kevin Disheroon's motion for judgment on the pleadings. You may use additional sheets of paper in responding to these questions. You must file this response by **April 27, 2007**.

1. Please provide the dates of your incarceration at the Carroll County Detention Center.

Answer:

2. You have indicated in your complaint that Officer Disheroon, Sheriff Medford and Deputy John Rains told you that they were going to take you out back and beat you for making them look for you. Please state: (a) when this verbal threat was made by Officer Disheroon; (b) where you were when this threat was made; (c) what Officer Disheroon meant when he said he had been forced to look for you; and (d) what occurred after this verbal threat was made.

3. You have not identified any other conduct of Officer Disheroon's that allegedly violated your federal constitutional rights. Please explain how you believe he violated your federal constitutional rights.

Answer:

4. Officer Disheroon works for the Berryville Police Department and is not a jailer at the Carroll County Detention Center.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain.

5. Was Officer Disheroon at the Carroll County Detention Center on a frequent basis?

Answer: Yes _____ No _____.

If you answered yes, please explain how frequently you saw him there, what he would be doing when he was there, and how you would come into contact with him.

6. A defendant can be sued in both his individual and his official capacity. An official capacity claim is the equivalent of a claim against the entity who employs the defendant. However, to hold a defendant liable in his official capacity you must show a policy or custom of the entity that employs him was the moving force behind the alleged constitutional violation. Did you intend to sue Officer Disheroon in his individual or official capacities or in both capacities?

Answer: Individual Capacity _____ Official Capacity _____ Both Capacities _____

If you answered official capacity or both capacities, please explain in detail the custom or policy you believe was the moving force behind the alleged violation of your constitutional rights.

Detail below any further response you would like to make to Kevin Disheroon's motion for judgment on the pleadings. If you have any exhibits you would like the court to consider, you may attach them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2007.

JAMES P. VICK